

Appln. No. 10/804,306

Attorney Docket No. 5709-169

IV. Remarks

Claims 1 through 20 are pending in the application. Claims 1 through 13, 15, 16, 17 and 19 have been amended. No new claims have been added.

Objections to the Drawings

The Examiner has objected to Figures 2 and 3 of the drawings as they include a reference character not included in the description of the invention. Specifically, the number 62 which appears in the specification does not appear in Figures 2 and 3. Responsive thereto, correction has been undertaken to paragraph [0023] of the specification by including a reference to the rolled under region 62 of the beltstrip assembly 60. In view of the foregoing, it is submitted that the corrections to Figures 2 and 3 of the drawings are unnecessary and that the objection to the drawings should be withdrawn.

Claim Objections

Claims 15 and 16 were objected to because the preamble of claim 15 does not agree with the preamble of claim 9. Responsive thereto, Applicants have amended the preamble of claim 15 to place it in conformance with that of claim 9 from which it depends. Additionally, indefinite articles have been removed from claim 15 rendering the language regarding the first and second spaced apart flanges grammatically correct. In view of the foregoing, it is submitted that all claim objections have been overcome.

Rejections Under 35 USC § 112

Claims 2 through 4, 10 through 13 and 17 were rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

The Examiner has noted several areas of ambiguity and lack of antecedent bases in the various claims. Applicants' attorney has undertaken a careful review of the claims and revised and deleted language in those claims noted by the Examiner as well as corresponding limitations in other claims. A review of the presently

BRINKS
HOFFER
GILSON
ALONE

Appln. No. 10/804,306

Attorney Docket No. 5709-169

pending claims reveals that the various recitations in the noted claims as well as additional claims have been revised to clarify and improve the consistency of the language. Accordingly, it is submitted that this basis of rejection has also been overcome.

Rejections Under 35 USC § 103

Claims 1, 2, 4, 5, 7 through 10, 12, 14 through 18 and 20 were rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 5,846,631 to Nowosiadly in view of U.S. Patent No. 6,023,888 to Dover.

Nowosiadly discloses a vehicle belt having a J-shaped profile with an adjustable latch member, a pair of flanges for engaging the window of a vehicle and a thin cover portion which resides on the exterior of the vehicle. Nowosiadly does not, however, teach a thermoplastic olefin show feature.

Dover discloses a door and window channel seal for use on a motor vehicle. Here, the seal is placed on, for example, the upper horizontal and left and right vertical sides of an opening in a door to receive a sliding glass window. The Dover reference is relied upon for its teaching of a region 50 which is characterized as a projection 50 having an interior facing surface 51. Dover notes that the interior facing surface 51 can be colored to match the interior of the vehicle.

The Examiner asserts that:

It would have been obvious to one of ordinary skill in the art to provide Nowosiadly with a thermoplastic olefin material, as taught by Dover, to improve the aesthetics of the seal by matching the color of the seal to the color scheme of the vehicle.

Dover also teaches the use of various thermoplastic elastomers for the projection 50.

Dover does not cure the defects of Nowosiadly. First of all, Dover teaches a door and window channel seal and specifically acknowledges that this component is distinct from the seal between the window and the vehicle body along the lower portion of the window opening. That is, Dover is utilized, as noted above, along the vertical sides of the opening and the upper horizontal side – not as a beltstrip or beltline seal such as Nowosiadly and Applicants' device. (See column 3, lines 7 through 9). Second of all, Dover disposes the projection 50 on the interior or inside

BRINKS
HOFER
GILSON
ELIONE

-8-

Appln. No. 10/804,306

Attorney Docket No. 5709-169

surface of the seal. Applicants' device and specifically the show surface 60 is on the exterior of the vehicle. It is not at all clear that the specific composition of a material suitable for the interior of a vehicle would also withstand the weather conditions to which the exterior of a vehicle is subjected. For at least the foregoing reasons, it is apparent that under a proper interpretation of 35 U.S.C. 103(a), claims 1, 2, 4, 5, 7 through 10, 12, 14 through 18 and 20 are patentable over the Nowosiadly and Dover references taken in combination.

Claims 3, 6, 11 13 and 19 were rejected under 35 USC §103(a) as being unpatentable over Nowosiadly in view of Dover as applied to claims 1, 2, 4, 5, 7 through 10, 12, 14 through 18 and 20 above, and further in view of U.S. Patent No. 5,618,593 issued to Belser, et al.

Belser, et al. disclose a weatherstrip which includes a dual durometer, coextruded body having a laminated decorative strip bonded to a harder durometer portion which provides improved resistance to physical insults and environmental conditions. Belser, et al. teach an entirely different type of beltstrip: a beltstrip wherein a metal preform 22 establishes both the specific shape of the beltstrip and provides a restoring or biasing force which engages and maintains the beltstrip on a suitably configured flange 36 of a vehicle door. Because of this basic structural difference, Belser et al. do not include the latch feature found in Nowosiadly and Applicants' device. As such, Belser et al. teach away from Applicants' device and other references and it manifestly does not render claims 3, 6, 11, 13 and 19 obvious when combined with the Nowosiadly and Dover references.

Additionally, in response to the cited art and the Examiner's arguments, Applicants' attorney has undertaken revisions to Independent claim 1 and 9. These revisions incorporate additional limitations directed to the hide lip or flange 54 which extends toward the upper flange 46 from the upper region of the body 32. This feature further improves the appearance of the subject beltstrip by closing off or hiding the upper region of the beltstrip, thereby improving its appearance. No such feature or suggested feature resides in Nowosiadly, Dover or Belser et al. Accordingly, it is urged that incorporation of such limitation in Independent claims 1 and 9 clearly renders them patentable over the cited prior art. They therefore should be allowed.

BRINKS
HOFFER
GILSON
ELIONE

Appln. No. 10/804,306

Attorney Docket No. 5709-169

SUMMARY

Pending Claims 1 through 20 as amended are patentable. Applicants respectfully request the Examiner grant early allowance of these claims. The Examiner is invited to contact the undersigned attorneys for the Applicants via telephone if such communication would expedite this application.

Respectfully submitted,

Nov 8, 2005
Date

David D. Murray
David D. Murray (Reg. No. 28,647)

BRINKS
HOFER
GILSON
ALIONE